

Laura Marquez-Garrett, SBN 221542
laura@socialmediavictims.org
Sydney Lottes, SBN 345387
sydney@socialmediavictims.org
SOCIAL MEDIA VICTIMS LAW CENTER
600 1st Avenue, Suite 102-PMB 2383
Seattle, WA 98104
Telephone: (206) 741-4862

Attorneys for Plaintiffs

[Additional counsel appear on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

S.L. on behalf of K.A.,

Plaintiffs,

vs.

SNAP, INC.; BYTEDANCE, LTD.;
BYTEDANCE, INC; TIKTOK, LTD.;
TIKTOK, LLC; TIKTOK, INC.; DISCORD
INC.,

Defendants.

Related to 4:22-md-03047-YGR

MDL 3047

SUPPORTING ALLEGATIONS RE:
DEFENDANT DISCORD INC.

A. The Additional Party, Jurisdiction, and Venue

1. Defendant Discord Inc. is a Delaware corporation with its principal place of business in San Francisco, CA. Defendant Discord owns and operates the Discord social media application, which Defendant Discord makes widely and publicly available to users throughout the United States through, e.g., the Apple App Store and Google Play.

2. At all times relevant hereto, Defendant Discord Inc. was acting by and through its employees, servants, agents, workmen, and/or staff, all of whom were acting within the course and scope of their employment, for and on behalf of Discord Inc.

3. This Court has personal jurisdiction over Discord because its principal places of business in California and is “at home” in this State.

4. Venue is proper in San Francisco County because Discord is headquartered there.

B. Discord and its Discord Product

5. Discord is an on-line social media product that was launched in 2015. The product includes a number of features that allow users to set up accounts and communicate with other product users through group and private means, including video calls, text messaging, and exchange of photos and videos.

6. In theory, Discord's terms of use prohibit users under 13. However, Discord does not verify user age or identity. Moreover, Discord has long been on notice that children 13 and younger use the product—and that adults preying on children do too.¹ Discord is aware and it is commonly known and understood that nobody follows that rule and that Discord allows children 13 and younger to use its social media product. Children as young as eight years old currently using the Discord social media product. *See* Kellen Browning, *5 Ways Young People Are Using Discord*, N.Y. Times, Dec. 29, 2021.

7. Discord could enforce its supposed policy of prohibiting children 13 or younger if it wanted to. Among other things, minor users often state their real age in their bio and/or tell other users their real age in group and private chats using one or more Discord product features. Likewise, minor users post photos that often reflect their actual age.

8. Discord's product features also create an unreasonable opportunity for and risk of sexual exploitation of kids. By default, all product users—including users under 18—can receive friend invitations from anyone in the same server, which opens the ability for them to send and receive private messages from strangers. Samantha Murphy Kelly, *The dark side of Discord for teens*, CNN Business, Mar. 22, 2022, <https://www.cnn.com/2022/03/22/tech/discord-teens/index.html>.

9. Minor users like K.A. lack the cognitive ability and life experience to identify online grooming behavior by prurient adults and the psychosocial maturity to decline invitations to exchange salacious material and mass-messaging capabilities. At all times relevant, Discord allowed direct messaging with and by minors without parental notification.

10. Discord has designed and operates its product in such a way that it also allows

¹ *See, e.g.,* Nellie Bowles and Michael Keller, *Video Games and Online Chats Are 'Hunting Grounds' for Sexual Predators*, N.Y. Times, Dec. 7, 2019, available at <https://www.nytimes.com/interactive/2019/12/07/us/video-games-child-sex-abuse.html>.

people to chat using fake names and the task of enforcing community standards is largely delegated to the organizers of individual Discord “servers.” Kellen Browning, *How Discord, Born From an Obscure Game, Became a Social Hub for Young People*, N.Y. Times, Dec. 29, 2021, available at <https://www.nytimes.com/2021/12/29/business/discord-server-social-media.html>. “Server” is the used to describe a key feature of the Discord product that allow users (including, as described above, underage users) to connect, exchange photo and video files, and use Discord’s audio and video communication features.

11. The Discord product generates revenue for Discord through subscription fees that gives users access to features like custom emojis for \$5 or \$10 per month. Discord also began experimenting in December 2021 with a new feature that allow some users to charge for access to their server, up to \$100 a month, of which the company takes a 10 percent cut. Kellen Browning, *How Discord, Born From an Obscure Game, Became a Social Hub for Young People*, N.Y. Times, Dec. 29, 2021, available at <https://www.nytimes.com/2021/12/29/business/discord-server-social-media.html>.

12. Discord is well aware that users can and do use Discord in ways that pose risks of harm, abuse and exploitation, including using Discord to initiate and engage in explicit sexual conduct. At all times relevant, Discord created false assurances that users (including minor users) can turn on feature to “keep [them] safe.” The Discord support page represented its “Safe Direct Messaging” feature as follows:

Keep me safe: The safest option. This will have Discord scan any image sent in all DMs, regardless of whether you’ve added the user on your friend list, or the user is DMing you just by sharing a mutual server.

My friends are nice: The medium-est option! This will let Discord know to scan any images sent in DMs from users that aren’t on your friends list, but also to trust your previously-added friends and not worry about any images they send.

Do not scan: The self-confident option. Enabling this option will completely disable Discord’s image scanning process, and leave you for a walk on the wild side for any and all DMs you receive. Careful, it’s a jungle out there!

Discord Safety: Safe Messaging!, <https://support.discord.com/hc/en-us/articles/115000068672-Discord-Safety-Safe-Messaging-> The representations that Discord will “scan” images and provide “Safe Messaging!” reasonably would lead minor users to believe that Discord will scan for and

1 block sexually explicit materials, including materials used to groom and/or blackmail users, and
2 otherwise “keep [the user] safe.”

3 13. As a threshold matter, Discord’s direct messaging and “Safe Direct Messaging”
4 product features are inherently defective and/or dangerous for minor users because Discord should
5 not be presenting less-safe product options (“My friends are nice” and “Do not scan”) to users
6 under 18 without their parents’ knowledge and consent.

7 14. On information and belief, Discord did not even ask users for their birthdate upon
8 sign up until mid-2020 (NCOSE, *Discord is a Haven for Gamers – and Sexual Exploiters*, Feb.
9 23, 2021, available at [https://endsexualexploitation.org/articles/discord-is-a-haven-for-gamers-](https://endsexualexploitation.org/articles/discord-is-a-haven-for-gamers-and-sexual-exploiters/)
10 [and-sexual-exploiters/](https://endsexualexploitation.org/articles/discord-is-a-haven-for-gamers-and-sexual-exploiters/)), which inadequate self-reporting step remains as Discord’s only supposed
11 age-verification – despite its knowledge that millions of young children are using its product
12 without parental consent.

13 15. Moreover, Discord downplays the serious dangers its product presents to minor
14 users by “jokingly” referring to unsolicited sexual overtures, grooming, displays of explicit sexual
15 materials, abuse, exploitation, and blackmail as “the wild side” and “a jungle.” Presenting these
16 less-safe options to minors and without verification of parental consent (for minor users) is a
17 product defect and/or inherently dangerous because Discord is attempting to contract with minors
18 without warning to minor parents and in a manner that poses significant risk to a significant number
19 of its minor users.

20 16. Discord’s Safe Direct Messaging product also is defective and/or does not operate
21 as promised and as reasonably understood by Discord’s minor users. This product did not operate
22 as promised and as reasonably understood by Discord’s minor users and created a false sense of
23 safety that resulted in direct harm to a significant number of Discord’s minor users. A reasonable
24 person reviewing Discord’s description of its “Safe Direct Messaging” feature (including but not
25 limited to children like K.A.) reasonably would understand that Discord was representing it would
26 keep them “safe” from harmful interactions and predatory users, including by monitoring and
27 saving conversations had via Discord’s social media product and as long as the user selects the
28 “Keep me safe” option. Discord’s product feature does nothing of the sort, however. On
information and belief, at best, Discord scans image files for malware and similar issues. As such,

1 users (especially minor users) are lulled into a false and dangerous sense of security while using
2 the product.

3 17. Discord's product is defective as its "Safe Direct Messaging" feature does not
4 actually keep minor Discord users safe and is deceptive and misleading and inherently dangerous
5 for minor Discord users because it creates a false sense of security and encourages them to use the
6 Discord product under the false belief that it is safe for children.

7 18. Discord's product also is defective and unreasonably unsafe for minor users, like
8 K.A., because it has no effective parental controls. Children like K.A. are able to and do routinely
9 use Discord despite being 13 or younger and despite having no verified parental consent to use the
10 product, let alone to be placed at risk of trauma, abuse, and exploitation through use of the product
11 exactly in the manner and for the purpose for which Discord designed the product.

12 19. Discord's product also is defective for failure to provide any effective warnings to
13 minor users, let alone their parents, of the known risk of harm from the abuse and sexual
14 exploitation when children use the product.

15 **C. Additional, Plaintiff-Specific Allegations**

16 20. K.A. began using Discord in the fall of 2020, when she was only 11 years old and
17 lived in Canada. K.A. had been randomly connected to a predator by a social media product known
18 as Omegle. That predator convinced K.A. that she could trust him and to open a Discord account,
19 so that they could stay in contact and get to know each other better.

20 21. K.A. was able to access Discord without her parents' knowledge or consent.

21 22. Over a period of months, the predator groomed and forced K.A. to take and send
22 naked photos and videos of herself engaging in sex acts. K.A. still will not talk with her mother
23 about the full extent of what was done to her, other than that she did "terrible" things.

24 23. In late 2022, another predator convinced K.A. to engage with him on Discord,
25 where he groomed K.A., sent her videos of himself masturbating, and convinced her to take and
26 send explicit and/or naked photos and to engage in sexual discussions with him.

27 24. S.L. found out about these harms after she discovered concerning content on her
28 child's device, contacted the police, and was alerted to what was happening by law enforcement.
Law enforcement then posed as K.A., communicated with the predator through Discord, and

1 arrested him in February 2023. They arrested him in the neighborhood where K.A. and her family
2 reside and while he was attempting to meet K.A. in person for purposes of sex. This predator
3 exchanged more than 700 messages with K.A., and currently is awaiting trial.

4 25. Discord has provided numerous predators with unfettered access to minor K.A.,
5 enabling and facilitating her continued exploitation through its defective and/or inherently
6 dangerous product features. These are just two examples.

7 26. As alleged above, Discord was well aware that adult users used the product for
8 abuse and exploitation, including of minor users. The Discord product enabled, facilitated, and
9 effectively encouraged these acts, including by allowing fake usernames, by allowing users to
10 create accounts without verifying age or identity (or, in the case of minors, parental consent), and
11 by representing to minor users that Discord would keep them safe when messaging strangers on its
12 product – which it did not do.

13 27. K.A. began suffering from increased anxiety, engaged in serious acts of self-harm,
14 and expressed suicidal ideation. Her access to electronic devices was further restricted, however,
15 her parents could not prevent her from accessing Discord outside their home nor could they be
16 sure that they were preventing access inside their home, including because of school devices and
17 the accessibility of electronic devices from friends and other sources.

18 28. K.A.'s parents have tried to prevent K.A.'s access to Discord in several ways,
19 including but not limited to special devices and/or software, limiting of access to other devices,
20 monitoring and/or supervision, and multiple discussions. Discord is designed, however, in a
21 manner intended to and that does ensure that her parents have no way to effectively prevent such
22 access. In fact, shortly before the filing of this Complaint, S.L. inadvertently discovered that K.A.
23 has accessed Discord on one of S.L.'s own devices, without S.L.'s knowledge or consent. S.L.
24 did not even realize that such access was possible, nor did K.A. have to download the Discord app
25 as she was able to simply access it via web browser. Discord is providing such access over S.L.'s
26 objection and in a manner causing continued harm to K.A.

27 29. K.A.'s use of and developing addiction to Discord, along with Snapchat, TikTok,
28 and the product known as Omegle, coincided with a steady and severe decline in her mental health.

30. K.A. has been hospitalized multiple times in connection with self-harm and suicidal

ideation, as well as suicide planning. She has undergone sedation and being restrained due to the severe mental health harms she suffered. Her education has been disrupted, and her relationship with her parents and friends strained.

31. K.A. is struggling in every aspect of her life, but worse, she still is only fifteen years old and there is no way to know how severe the harms to her will be from these experiences and for the rest of her life. No amount of money spent, therapy, or time can erase the trauma or abuse itself.

32. Discord also has caused economic damages to K.A.'s parents, including lost wages, insurance, and out-of-pocket medical costs, as well as serious trauma resulting from their child causing self-harm, suicide threats and hospitalizations, and severe sexual abuse that occurred to her as direct result of design and programming decisions made by these Defendants and Omegle.

33. S.L., for example, has suffered PTSD, panic attacks, depression, and other mental health harms requiring treatment – none of which were present prior the above-described harms. These types of harms to parents and family are the foreseeable and natural result of harms to a minor child. These harms are the result of exploitation facilitated by Discord, as well as K.A.'s growing social media addiction and related mental health harms caused by all of these Defendants.

DATED this 26th day of March, 2024.

SOCIAL MEDIA VICTIMS LAW CENTER PLLC

By: /s/ Laura Marquez-Garrett

Laura Marquez-Garrett (SBN 221542)

Laura Marquez-Garrett

Laura@socialmediavictims.org

Matthew P. Bergman

matt@socialmediavictims.org

Glenn S. Draper

glenn@socialmediavictims.org

Sydney Lottes

sydney@socialmediavictims.org

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600 1st Avenue, Suite 102-PMB 2383

Seattle, WA 98104

Ph: 206-741-4862

Attorneys for Plaintiffs